

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 674

Short Title: Jonesville/Arlington Merged.

(Local)

Sponsors: Representatives Holmes and Brown.

Referred to: Local and Regional Government II.

April 10, 1991

A BILL TO BE ENTITLED

AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON IN YADKIN COUNTY, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. (a) The Yadkin County Board of Elections shall conduct an election on August 13, 1991, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of Jonesville contained in Section 2 of this act, the question of whether or not the Towns of Jonesville and Arlington shall be merged. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(b) In the election, the question on the ballot shall be:

"[ ] FOR merger of Arlington and Jonesville.

[ ] AGAINST merger of Arlington and Jonesville."

(c) In the election, if a majority of the votes cast in each of the respective towns of Jonesville and Arlington are "FOR merger of Arlington and Jonesville" then the remainder of this act becomes effective as set forth in Section 9 of this act.

Sec. 2. The following constitutes the Charter of the Town of Jonesville, having merged with the Town of Arlington:

"CHARTER OF THE TOWN OF JONESVILLE.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and General Powers. The inhabitants of the Town of Jonesville and the inhabitants of the former Town of Arlington are a body corporate and politic under the name of 'The Town of Jonesville' (also referred to as the 'Town') until that name is changed pursuant to general law. Under that name they have all powers,

1 duties, rights, privileges and immunities conferred and imposed upon municipal  
2 corporations by the general law of the State.

3 **"ARTICLE II. CORPORATE BOUNDARIES.**

4 "Sec. 2.1. Effective on the date of ratification of this Charter, the corporate limits of  
5 the Town of Jonesville consist of all of the territory that was within the corporate limits  
6 of the Town of Arlington and all of the territory that is within the corporate limits of the  
7 Town of Jonesville at the time of ratification. An official map of the Town, showing the  
8 current boundaries, as they may be changed from time to time in accordance with law,  
9 is maintained permanently in the office of the Town Clerk and is available for public  
10 inspection. Immediately upon alteration of the corporate limits made pursuant to law,  
11 the appropriate changes to the official map shall be made and copies shall be filed in the  
12 office of the Secretary of State, the Yadkin County Register of Deeds and the  
13 appropriate boards of elections.

14 **"ARTICLE III. GOVERNING BODY.**

15 "Sec. 3.1. **Mayor and Town Council.** The Mayor and the Town Council constitute  
16 the governing body of the Town.

17 "Sec. 3.2. **Town Council; Composition; Terms of Office.** The Council is  
18 composed of six members who reside in the respective districts as provided in Article  
19 IV of this Charter but who are elected by all the qualified voters of the Town for terms  
20 of four years or until their successors are elected and qualified.

21 "Sec. 3.3. **Mayor; Term of Office; Duties.** The Mayor is elected by all the  
22 qualified voters of the Town for a term of two years or until a successor is elected and  
23 qualified.

24 **"ARTICLE IV. ELECTIONS.**

25 "Sec. 4.1. **Conduct of Town Elections.** Regular municipal elections shall be held  
26 in each odd-numbered year in accordance with the uniform municipal election laws of  
27 the State. Elections are conducted on a nonpartisan basis and the results determined  
28 using the nonpartisan plurality method as provided in G.S. 163-292.

29 "Sec. 4.2. **Election of Town Council.** For purposes of electing members of the  
30 Town Council, the Town is divided into two districts, one district on each side of  
31 Highway 21. Effective as of the 1991 election, three Council members shall be elected  
32 from each district. Council members shall reside in the district from which they are  
33 elected. In the first election after ratification of this Charter, the three members  
34 receiving the highest number of votes are elected to four-year terms and the next three  
35 highest vote getters are elected to two-year terms. Thereafter, all members shall be  
36 elected to four-year terms.

37 **"ARTICLE V. ADMINISTRATION.**

38 "Sec. 5.1. **Town to Operate Under Council-Manager Plan.** The Town operates  
39 under the council-manager form of government in accordance with Part 2 of Article 7  
40 of Chapter 160A of the General Statutes."

41 Sec. 3. (a) Filing for election of officials of the Towns of Arlington and  
42 Jonesville for the 1991 regular municipal election shall take place as required by law. If  
43 the referendum provided for in Section 1 of this act results in merger of the two Towns,  
44 then the 1991 election for the two Towns is cancelled, and any terms of office of the

1 elected officials of the two Towns that would have expired are extended until June 30,  
2 1992. There shall be a special filing period commencing upon certification of the  
3 election results and ending at 5:00 p.m. on the tenth business day after the date of  
4 certification, for candidacies for Mayor and the governing board of the merged Town,  
5 and G.S. 163-125 shall not apply in the case of any officer of either Town seeking office  
6 in the merged Town.

7 (b) The governing body of the merged Town, if elected as set forth in subsection  
8 (a) of this section shall have its first organizational meeting on June 30, 1992, which is  
9 the effective date of the merger provided for in this act. Between the date that the  
10 officers are elected and qualified and June 30, 1992, the governing bodies of the two  
11 Towns may meet to discuss town business and take necessary action on town matters,  
12 including preparation of a budget for fiscal year 1992-93, provided that meetings of the  
13 governing body during this period are subject to all applicable notice and meeting  
14 procedures required by general law.

15 Sec. 4. The governing body of the merged Town, if elected as set forth in  
16 Section 3 of this act shall, at its first organization meeting on June 30, 1992, amend the  
17 Charter of the Town of Jonesville to change the name of the Town to "the Town of  
18 Jonesville-Arlington" pursuant to the procedure set forth in Part 4 of Article 5 of  
19 Chapter 160A of the General Statutes.

20 Sec. 5. (a) All property, real, personal and mixed, including accounts  
21 receivable, belonging to the Town of Arlington shall vest in, belong to, and be the  
22 property of the Town of Jonesville. The governing body of the Town of Jonesville is  
23 authorized and directed to take such actions and to execute such documents as will carry  
24 into effect the provisions and the intent of this section.

25 (b) All judgments, liens, rights of liens, and causes of action of any nature in  
26 favor of the Town of Arlington shall vest in and remain and inure to the benefit of the  
27 Town of Jonesville.

28 (c) All taxes, assessments, water or sewer charges, and any other charges or fees,  
29 owing to the Town of Arlington shall be owed to and collected by the Town of  
30 Jonesville.

31 (d) All actions, suits, and proceedings pending against or having been instituted  
32 by the Town of Arlington shall not be abated by this act or by the merger provided  
33 herein, but shall be continued and completed in the same manner as if merger had not  
34 occurred, and the Town of Jonesville shall be a party to all such actions, suits, and  
35 proceedings in the place and stead of the Town of Arlington and shall pay or cause to be  
36 paid any judgments rendered against the Town of Arlington in any such actions, suits,  
37 or proceedings. No new process need be served in any such action, suit, or proceeding.

38 (e) All obligations of the Town of Arlington, including outstanding  
39 indebtedness, shall be assumed by the Town of Jonesville, and all such obligations and  
40 outstanding indebtedness are hereby constituted obligations and indebtedness of the  
41 Town of Jonesville, and the full faith and credit of the Town of Jonesville shall be  
42 deemed to be pledged for the punctual payment of the principal of and interest on all  
43 general obligation bonds and bond anticipation notes of the Town of Arlington, and all

1 the taxable property formerly located in the Town of Arlington shall be subject to  
2 taxation by the Town of Jonesville for such payment.

3 (f) All ordinances of the former Town of Arlington and the Town of  
4 Jonesville shall continue in full force and effect within the area to which they apply at  
5 the time of ratification of this act as ordinances of the Town of Jonesville until June 30,  
6 1993, unless otherwise provided by the governing body of the Town of Jonesville.

7 (g) All franchises heretofore granted by the Town of Arlington that are still  
8 in force shall continue as valid franchises of the Town of Jonesville for the purposes  
9 granted within the area formerly comprising the Town of Arlington, but shall not hereby  
10 be constituted valid franchises for any other portion of the corporate limits of the Town  
11 of Jonesville.

12 (h) No person employed by either the Town of Jonesville or the former Town  
13 of Arlington shall be terminated solely due to the merger provided for in this act.

14 (i) The Town of Arlington is hereby abolished.

15 Sec. 6. Chapter 365 of the 1901 Session Laws, being the Charter of  
16 Jonesville, and the Charter of Arlington as adopted by the Municipal Board of Control,  
17 having served the purposes for which they were enacted, or having been consolidated  
18 into this act are repealed.

19 Sec. 7. This act does not repeal, modify, or in any manner affect any acts  
20 validating, confirming, approving, or legalizing official proceedings, actions, contracts,  
21 or obligations of any kind of the Town of Jonesville or of the Town of Arlington.

22 Sec. 8. If any provision of this act is held invalid, such invalidity shall not  
23 affect other provisions or applications of this act which can be given effect without the  
24 invalid provision or application, and to this end the provisions of this act are declared to  
25 be severable.

26 Sec. 9. Subject to the outcome of the election required by Section 1 of this  
27 act and the provisions of Section 1(c) of this act, Sections 2 and 4 through 7 of this act  
28 become effective June 30, 1992. The remainder of this act is effective upon ratification.